IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: William Shaw	Art Unit	: 3774
Serial No.	: 10/762,816	Examiner	: Alvin J. Stewart
Filed	: January 22, 2004	Conf. No.	: 6207
Title	: MEDICAL DEVICES		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF JANUARY 29, 2009

In reply to the Office Action of January 29, 2009, Applicant submits the following remarks.

In the Office Action, claims 19-25, 33, and 35-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,589,286 ("Litner"). The Examiner, however, has mischaracterized the disclosure of Litner and failed to present a reason for why one having ordinary skill in the art would find it obvious to arrive at the claimed medical device(s) based on the disclosure of Litner. Accordingly, the rejection cannot be maintained.

Applicant objects to the mischaracterization of Litner. On page 2, lines 13-15, the Examiner asserts that "Litner discloses a tubular structure (10) comprising at least two fibers, the first fiber being a ceramic fiber and a second fiber made of metal, wherein the ceramic fiber is intertwined with the non-ceramic fiber." There is no such disclosure in Litner. The Examiner only cites to column 5, lines 18-26 of Litner, which recites as follows:

> The tubular body and flanges of the present invention may comprise any structural material that is biocompatible and provides the necessary physical properties described herein. For example, the composition of the stent may comprise polymeric materials (both natural and synthetic), ceramic materials, composite materials, metals, metal oxides, and combinations of such materials. Biodegradable materials are preferred. One preferred structure comprises a network of biodegradable polymeric fibers having a caliber or average diameter of about 0.3 to 0.4 mm. The network may comprises a non-woven network, woven network, knitted network or the like. Poly-l-lactic acid is a particularly suitable material for stent construction, lasting up to 2 years or more in vitro before total degradation.

Litner, col. 5, lines 15-28.